

## **REMARKS/ARGUMENTS**

Claims 1-17 are pending in the present application. Claims 18-20 were canceled in the Response to Final Office Action that was filed on May 23, 2005. Reconsideration of the claims is respectfully requested.

### **I. 35 U.S.C. § 103(a), Obviousness**

The Examiner has rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over *Lee* et al., Self-Checkout Apparatus, U.S. Patent No. 6,837,428 B2 (January 4, 2005) (hereinafter “*Lee*”) in view of *Flynn*, System and Method for Enhancing Security at a Self-Checkout Station, U.S. Patent Publication No. 2003/0122667 A1 (July 3, 2003) (hereinafter “*Flynn*”). This rejection is respectfully traversed.

Applicants claim a value that is associated with a characteristic of a product. This value is stored in a first field in a database. The time this value was last updated is stored in a third field in the database. A new value for the product is stored in a fourth field in the database.

Applicants claim four different time periods: an optimizing time, a last time, a time difference, and a predetermined period. The optimizing time is the time this optimization process is taking place. As discussed above, the last time is the time the value for the product was last updated. A time difference is determined between the optimizing time and the last time for the product. The time difference is then compared to the predetermined period. If the time difference is greater than the predetermined period, the product becomes part of the query result.

Applicants claim querying the database to locate products that have a new value. In addition to having a new value, in order to be returned in the query result, the product must also have a time difference between the optimizing time and a last time that is greater than the predetermined period. The “optimizing time” is the time when this optimization process is taking place. The “last time” is the time when the value was last updated.

A calculation is determined. This calculation is a calculation of the time difference between the optimizing time and the last time. This calculation is then made for the products in the database.

The database is queried for products that have a time difference that is greater than a predetermined period. Thus, for the products in the database, a calculation is made, and then the result of this calculation is compared to a predetermined period. The database is queried for the products that have a result of the calculation that is greater than the predetermined period.

*Lee* teaches a self-checkout apparatus that includes a BOSS controller that controls database information for lanes. Each lane includes a copy of the database. At predetermined intervals, the

database between the BOSS controller and the lanes is updated. *Lee*, column 6, lines 2-9. *Lee* does not provide any specific teaching about when a database is updated other than to say that it occurs at predetermined intervals.

*Lee* teaches a customer placing an item on a conveyor, which weighs/measures the item and compares it to the corresponding data in a security database. If the item's weight/measurement matches the corresponding data in the security database, the item proceeds down the conveyor ultimately to a bagging area.

Applicants claim a security database in which are stored a value, a new value, and a last time the value was last updated. The Examiner relies on *Lee* to teach these features. Applicants respectfully disagree that *Lee* teaches these features.

*Lee* teaches a database that can be updated, and also teaches the database storing weight/measurement data for items. According to *Lee*, the weight/measurement data can be updated. *Lee* does not teach, however, both a value and a new value being stored for a product. *Lee* does not teach storing two values of the weight/measurement for the same item. *Lee* teaches merely that weight/measurement data is stored, and then this data is updated. The database of *Lee* does not store both the original data as well as the updated data at the same time. Therefore, *Lee* does not teach this feature.

Applicants also claim a third field for storing a last time when the value was last updated. Thus, Applicants claim storing a time. *Lee* does not teach storing a time. *Lee* teaches merely that a security database can store data about the weight/measurement of an item. *Lee* does not teach storing a time that this data was updated. Therefore, *Lee* does not teach this feature.

Applicants also claim querying a database for products that have a time difference between the optimizing time and the last time that is greater than a predetermined period. Thus, a time difference must be determined. The time difference that must be determined is the time difference between the optimizing time and the last time that the value for this product was last updated. This time difference is then compared to a predetermined time.

*Lee* does not teach determining a time difference for a product. In *Lee*, there is an interval between each update of the database. While this interval does exist, it is not determined for a product. Therefore, *Lee* does not teach querying for products that have a time difference that is greater than a predetermined period.

The Examiner states that *Lee* obviously teaches a time difference between the optimizing time value and the last time value. Applicants do not claim merely the existence of a time difference. Applicants claim querying the database for products that have a time difference that is greater than a predetermined period. Since *Lee* does not teach querying the database for products that have a time difference that is greater than a predetermined period, *Lee* does not teach this feature.

*Lee* also does not teach a predetermined period, as claimed by Applicants. *Lee* teaches updating a database at a predetermined interval. The predetermined interval taught by *Lee* is not analogous to a predetermined period as claimed by Applicants.

In *Lee*, when a predetermined interval occurs, a database is updated. At the next predetermined interval, the database is updated again. Thus, the time between updates cannot exceed the predetermined interval. The predetermined interval dictates when an update of the database must occur.

According to Applicants' claims, there is an optimizing time when a value was stored and a last time when the value was last updated. The time difference between the optimizing time and the last time can be greater than the predetermined period. The predetermined period does not dictate the time difference. In fact, it is those products that do have a time difference that is greater than the predetermined period that are returned in the query result. In contradistinction, in *Lee*, it is impossible for anything stored in the database to have a time difference that is greater than the predetermined interval. Therefore, *Lee* does not teach a time difference that is greater than a predetermined period.

The Examiner states that *Lee* does not teach comparing each search term to keywords associated with each product and states that *Flynn* discloses querying for products, which includes comparing each search term to keywords associated with each product. Querying for products that includes comparing each search term to keywords associated with each product is not what is claimed by Applicants, however.

The Examiner relies on *Flynn* to cure the deficiencies of *Lee*. *Flynn* merely teaches querying a product database for product data such as weight and price. See *Flynn*, page 3, paragraph 0025. A unit product code (UPC) is determined from a scanner that scans a product. The UPC is used to query a database for product data such as weight and price. *Flynn* does not teach querying a database for products having a time difference between an optimizing time and a last time that is greater than a predetermined period and having at least one new value for the characteristic.

Applicants claim querying for products that have a time difference. This is not a comparison of a search term to a keyword. A time difference between the optimizing time and a last time must be determined. Determining a time difference between the optimizing time and a last time is not a comparison of search terms. A "time difference" is not a keyword or search term.

Once the time difference is determined, it must be determined whether the time difference is greater than a predetermined period. Again, this is not a comparison of a search term to a keyword. Determining whether the time difference is greater than a predetermined period is not either a keyword or a comparison of search terms.

Applicants claim querying the database for products that have both (1) a time difference that is greater than a predetermined period, and (2) at least one new value. Thus, the products that are returned

as part of the query result must meet two criteria. *Lee* does not teach querying for products that meet two criteria.

The combination of *Lee* and *Flynn* does not teach querying for products that have a time difference that is greater than a predetermined period. The combination of *Lee* and *Flynn* does not teach determining a time difference for a product. The combination of *Lee* and *Flynn* does not teach comparing a time difference to a predetermined period. The combination of *Lee* and *Flynn* does not teach querying the database for products that have both (1) a time difference that is greater than a predetermined period, and (2) at least one new value.

*Flynn* does not cure the deficiencies of *Lee* for the reasons given above. Therefore, the combination of *Lee* and *Flynn* does not render Applicants' claims obvious.

## **II. Conclusion**

It is respectfully urged that the subject application is patentable over the cited prior art and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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